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# Ireland: From Emigrant Nation to Asylum-Seeker Destination

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## **Ireland: From Emigrant Nation to Asylum-Seeker Destination**

Ross Hurwitz



*The status of refugees is an issue which should strike a chord with every man, woman and child here who has any grasp of Irish history, our history books being littered with the names and deeds of those driven from our country out of fear of persecution. However, the downfall of history, all too often, is its relegation to the footnotes of modern times so that what appears to be a right of ourselves and our forebears is regarded as a luxury others scarcely deserve.*

-John O'Donoghue, 1995.

Since the Great Famine of the mid-nineteenth century until very recently, Ireland has been losing population. Between 1841 and 1851, an estimated 1.1 million fled in search of a better life. Another 3 million Irish emigrated throughout the remainder of the nineteenth century. (Coakley and Gallagher, p.365) During the first part of the twentieth century, the political and civil strife of a partitioned Ireland caused people to leave for other lands. Many who left in the early half of the century were poor women unable to find jobs. Protestants left during the middle of the twentieth century because of political changes such as the enactment of the 1937 constitution which was strongly influenced by the Catholic Church. Workers left to get jobs in the developing industries of Britain and North America when their own economy could no longer support them, and still others sought the superior welfare and unemployment relief available in foreign lands. (Glynn, pp.51-55) For these reasons, the Irish continued to emigrate throughout the twentieth

century. All together, between 1911 and 1996, Ireland witnessed a net emigration of 1.5 million people. (Coakley and Gallagher, p.365)

Today, the Irish economy is experiencing unprecedented growth. Over the six-year period beginning in 1994, GDP grew 88 percent, an average yearly growth rate of 13.5 percent. (Central Statistics Office) This booming economy triggered a large influx of newcomers and returning Irish nationals; in fact, it is estimated that half of those entering Ireland from 1995 to 2000 were coming home. ("Immigrants...") For the most part, immigration has been welcomed, even considered necessary for a rapidly growing economy. However, many of the newcomers entering Ireland today are seen by some citizens as more a burden to the economy than a stimulus. Best described as "asylum seekers," these migrants have entered the Republic of Ireland and its national conscience. Now Ireland must deal with a problem uncommon in its nation's history, the plight of the ethnically and culturally different asylum seeker who is also considered a drain on the economy.

In this article I discuss the recent emergence of a significant asylum-seeking population in Ireland and describe the demographic characteristics of this group. I then explore the development of Ireland's immigration policy, highlighting the effects of an inefficient processing system for asylum applications. Finally, I explore the economic and social problems of integration and consider whether the Irish can succeed where others have failed in the realization of positive racial and ethnic relations within a small nation.

## **The Asylum Seeker Population**

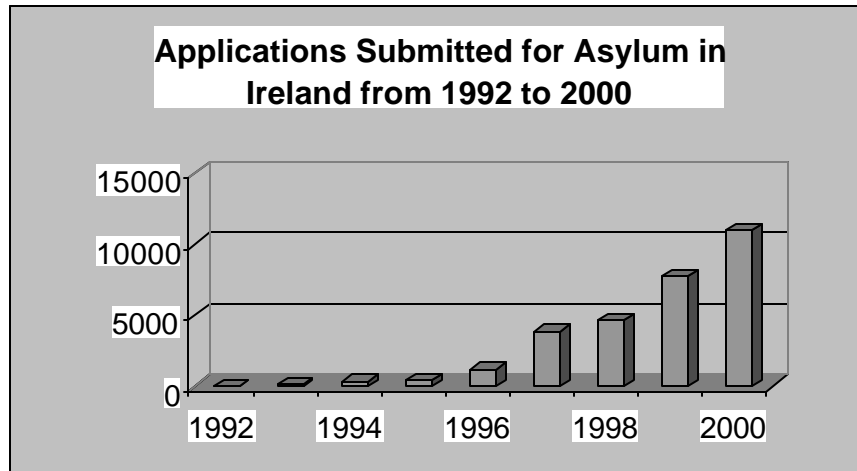
Asylum seekers are individuals who apply to be recognized as refugees as defined by the Geneva Convention. (“Refugees and Asylum Seekers.”) Refugee status can be granted by a government to those whom it believes fulfill the given requirements. The 1951 Geneva Convention Relating to the Status of Refugees provides the most commonly accepted definition of a refugee:

Any person, who, owing to a well-founded fear of being persecuted on the grounds of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (“Refugees and Asylum Seekers,” quoting the 1951 Geneva Convention)

The process of applying for asylum begins when an individual makes initial contact with an immigration officer, which is normally at the border, airport, or port. In order to apply for asylum, the individual must fulfill certain requirements, such as possession of the needed documentation to establish identity. The asylum seeker at this stage must also inform the immigration officer of the reasons for leaving his native country and the path taken before arriving in Ireland.

Applications for asylum in Ireland have risen dramatically in recent years. Figure 1 shows that applications have increased from only 39 in 1992 to over 10,000 in 2000

Figure 1



Source: “Asylum Applications in Ireland.” and “Provisional Statistics on Refugees and Others of Concern to UNHCR for the year 2000.”

alone, an average growth rate of over 120 percent per year. John O'Donoghue, Minister of Justice, Equality and Law Reform since 1997, sees no end in sight for the growing accumulation of applications, as Ireland is still currently “receiving approximately 1,000 applications per month, more in one average working day than the entire annual intake of eight years ago.” (“Illegal Immigrants...”)

Although many people trying to enter Ireland are economic migrants, there is no doubt that people from many parts of the world are leaving their native lands because their lives are threatened, either politically or because of economic or natural disaster. For Nigerians who have entered Ireland seeking asylum, political instability has resulted in repression, violence, and discrimination. (Goetz) Another threat to human safety is ethnic conflict, such as that which followed the breakup of the former Yugoslavia where ethnic Albanians were the target of a violent campaign beginning in early 1999. (“Indictment of...”) Displacement also occurs because of economic conditions. Growing inequality of world income has left some developing nations poverty-stricken,

especially those nations with high population density. (“The Dynamics...”) Finally, people seek asylum because of environmental disaster, whether natural or manmade. Environmental degradation makes areas unlivable and often unsafe. For instance, in the Democratic Republic of the Congo, which is the origin of many asylum seekers in Ireland, deforestation and clearing of vegetation has led to serious soil erosion causing floods and subsidence (“Refugees and the Environment...”).

The world refugee population at the end of 1997 was nearly 40 percent Asian, 30 percent African and 25 percent European. However, those coming to Ireland have been mostly Europeans and Africans. From 1996 to 1999, refugees came principally from Romania (4,520 applicants), Nigeria (4,310 applicants), and the Democratic Republic of the Congo (1,330 applicants). Other places of origin have included the European nations of Poland, the former Yugoslavia and the Russian Federation. In addition, Ireland has absorbed asylum seekers from the African nations of Algeria, Somalia, and Angola. Each of these nations has witnessed a political, social, or economic upheaval that has caused people to flee for their lives or search for a haven with conditions meeting basic humanitarian standards. With a burgeoning economy as a beacon to those victims of economic and political catastrophes around the world, it is no wonder that so many refugees are attempting to enter Ireland. (“Refugees and Others...”)

### **Development of Irish Policy towards Immigration and Asylum Seekers**

Irish immigration policy finds its origins in the 1914 Aliens Act, which was created in conjunction with the British Nationality and Status of Aliens Act of 1914 as a response to the fear of spies entering the United Kingdom during World War I. The 1975 Aliens Order was also fashioned after British policy, in this case the British Immigration

Act of 1971. The Aliens Order permitted officers patrolling Irish harbors and borders to refuse “leave to land” to any alien not permitted to enter the United Kingdom as defined by British immigration law. The policy came out of the British concern that Ireland was being used as a back door for illegal aliens who would take advantage of the “free travel area” between Ireland and the United Kingdom. Thus, Ireland indirectly accepted as its own the immigration laws of the United Kingdom. (“The Legal Condition...”)

Ireland also submitted to the established legislative policy of other nations regarding the issue of refugees. In 1956, Ireland became a signatory nation to the 1951 Geneva Convention. In addition to recognizing and defining asylum, this international agreement gave those seeking refugee status permission to reside in the county of requested asylum during the processing of their applications. (Committee on Asylum Seekers...) However, Ireland did not enact its own legislative policy for dealing with asylum seekers until 1996, relying instead on international and EU policy for handling refugees. This was despite the fact that statutory law in Ireland attempted to limit the influence of external forces with Article 29.6 of the Constitution, which states that domestic courts must not rely on “unincorporated international provisions” such as the Geneva Convention.

It was the 1995 Fakhri Case that finally moved Ireland to initiate a procedure for handling applications for asylum. In this case, an Irish court determined that three Lebanese asylum seekers were wrongfully denied a full hearing. The court found that the failure to provide asylum seekers with due process was in contradiction with a ten-point administrative procedure to handle asylum applications which was included in a 1985 letter sent by Ireland to the United Nations High Commission for Refugees. As a result of the decision by this court under Justice O’Hanlon, the guidelines from this letter

became statutory law, consequently obligating Ireland to employ fair procedures in dealing with aliens and their attempted entrance into Ireland. (“The Legal Condition...”)

The following year, the legislature established the Refugee Act of 1996 which created written guidelines for an asylum-determination procedure. With the enactment of the Refugee Act of 1996, Ireland reaffirmed its pledge made in the past as a signatory to the 1951 Geneva Convention. The act asserts that refugees or those seeking asylum “shall not be expelled from the State or returned in any manner whatsoever to the frontiers of territories where, in the opinion of the Minister, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.” (“Refugee Act, 1996,” quoting Refugee Act of 1996) Furthermore, the act enumerates certain rights of refugees as defined by the 1951 Geneva Convention. Under the Refugee Act of 1996 refugees:

- (i) shall be entitled to seek and enter employment, to carry on any business, trade or profession and to have access to education and training in the State in the like manner and to the like extent in all respects as an Irish citizen,
  - (ii) shall be entitled to receive, upon and subject to the terms and conditions applicable to Irish citizens, the same medical care and services and the same social welfare benefits as those to which Irish citizens are entitled,
  - (iii) shall be entitled (I) to reside in the State, and (II) to the same rights of travel in or to or from the State as those to which Irish citizens are entitled,
  - (iv) shall have the same freedom to practice his or her religion and the same freedom as regards the religious education of his or her child as an Irish citizen,
  - (v) shall have access to the courts in the like manner and to the like extent in all respects as an Irish citizen, and
  - (vi) shall have the right to form and be a member of associations and trade unions in the like manner and to the like extent in all respects as an Irish citizen.
- (“Refugee Act, 1996,” quoting Refugee Act of 1996)

Ireland has continued to enact legislation in response to the rise in the number of asylum seekers and refugees with the Employment Quality Act of 1998 and the Equal Status Bill of 1999. Ideally, both of these acts should have facilitated the integration process of refugees into Irish society by protecting them against discrimination within



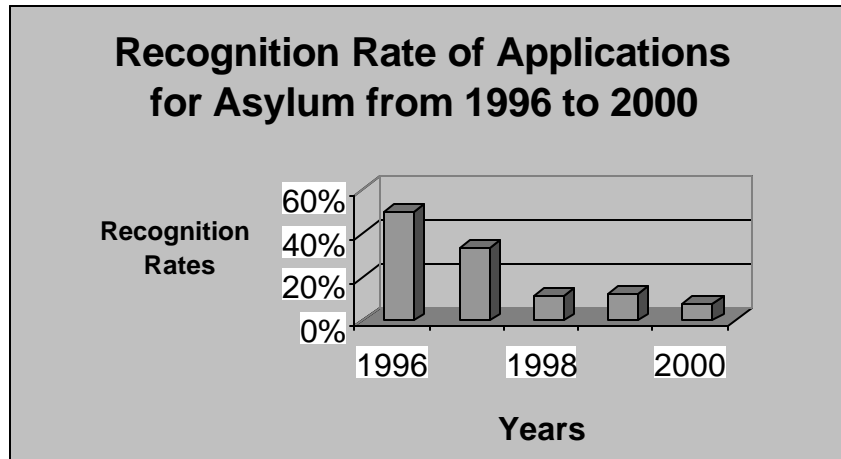
and outside the workplace .(O'Donoghue, "Equal Status Bill...") However, these statutes have actually not been able to improve the well-being of refugees. This is primarily because the necessary resources for handling the influx of applications have not been allocated. In addition, new programs to promote the fair treatment of refugees have not been fully implemented. (Ruane)

### **Processing the Backlog of Applications for Asylum**

Ireland has seen a massive rise in applications for asylum due to its economic prosperity, a generous welfare system, and recent political and economic strife abroad. Such massive growth was quite unforeseeable a few years ago before the number of applications first began to rise. While there have been some minor attempts to develop the staff and infrastructure for the application process, the government has still not allocated sufficient resources for the prompt processing of applications for refugee status. (Committee on Asylum Seekers...) Consequently, the Ministry of Justice, Equality, and Law Reform is now dealing with a huge backlog of applications, leading to an extended delay in processing that can last for months and possibly years. (O'Donoghue, "Refugee Applications...") During 2000, applications still pending have grown in number from 9,769 at the beginning of the year to 12,067 at year end. ("Provisional Statistics...")

The current backlog is seen in the slow rate of recognition. This figure is the number of applications for asylum accepted in a given year, divided by the total number of applications upon which a decision -- acceptance or rejection -- was made in a given year. The rate of recognition, shown in figure 2, has generally fallen from year to year

Figure 2



Source: “Provisional Statistics on Refugees and Others of Concern to UNHCR for the year 2000.” and “Refugees and Others of Concern to UNHCR, 1999 Statistical Overview.”

due in part to the tightening up by the Irish government in the number of places it offers and in part due to the number of “bogus” asylum seekers who are economic migrants rather than people who would be in peril if they were forced to return to their homelands. Whether genuine or bogus, too many people seek asylum in Ireland because they know that the application process could go on for years before the review of their application approaches completion. During this time they take full advantage of the welfare system. Irish citizens are well aware of such abuse of their welfare system by economic immigrants who become the unintended recipients of Irish welfare benefits. (Coulter)

On the other hand, stringent employment regulations that limit the possibility for asylum seekers to work, even when they want to, have led to their total reliance on Irish welfare for an extended period of time while applications are being reviewed. Many Irish disagree with a policy that does not allow asylum seekers to work. Applicants on welfare sometimes send funds back to their families in their native countries, thereby indirectly helping to finance welfare programs elsewhere. In addition, some asylum

seekers have become more dependent on Irish resources instead of help from relatives in their native countries. This dependence on Irish welfare payments and the lengthy delay in processing has resulted in some asylum seekers establishing firm roots over the years; when an application is rejected, deportation is all the more disruptive to individuals and families who had hoped to stay in Ireland.

### **The Debate Regarding Treatment of Asylum Seekers**

The backlog of applications for asylum has caused some Irish citizens to wonder if work permits should be extended to asylum seekers to relieve the pressure on the Irish welfare system and to stimulate the integration process. Unfortunately, such legislation as the Refugee Act of 1996, created with the asylum seeker and refugee in mind, has failed to achieve its intended goals. Indeed, the issue over work permits is a clear instance in which the Ministry of Justice, Equality and Law Reform has turned such legislation against the asylum seeker, citing the Refugee Act as a basis for denial of work privileges. According to Minister O'Donoghue, the act "actually provides that an asylum applicant shall not seek or enter employment or carry on any business, trade or profession during the period before the final determination of his or her application." (O'Donoghue, "About the Demand...") Support for the Ministry's case against allocating work permits is based on the belief that permitting those in the application process to work will only act as a catalyst for more people to seek asylum in Ireland, especially economic immigrants. It is felt that those who want to enter Ireland to take jobs should enter through proper immigration channels. During O'Donoghue's Ministry, the granting of refugee status has been based on humanitarian grounds rather than a concern for stimulating the economy. (O'Donoghue, "About the Demand...")

As it currently stands, work permits may be granted to those who have applied for a permit by July 26, 1999, and who have been in the application process for over a year. The Ministry notes that only a few people have actually completed the process of obtaining work permits. (O'Donohue, "Immigration and Asylum Issues") Given the tight restrictions and difficulties in the permit application process, however, some believe that the low number granted to asylum seekers merely indicates the Ministry's hostility towards a policy which would allow asylum seekers the right to work (Coulter).

While work may not be readily available to asylum seekers, the government does provide housing. Considering the swelling numbers currently in the process of applying and the high cost of housing in Ireland, there is considerable disagreement about where immigrants should live. Major cities such as Dublin are currently experiencing a housing crisis, so the Ministry has begun to relocate asylum seekers and refugees throughout the countryside. (O'Donoghue, "Asylum Seekers Will...") Such programs have been met with strong opposition, for the residents in small towns are afraid they will lose the tourist revenue they rely on. With new immigrants now living in bed-and-breakfast establishments and hostels, the towns have less capacity to accommodate the tourists who have greater spending potential. Furthermore, those who rely on tourism fear that visitors will avoid areas with a non-Irish presence. (Lucey) Many people have also expressed concern over health issues such as the spread of disease; but the administration has confirmed that health screenings are required for all asylum seekers, and fears about the spread of diseases such as hepatitis are considered to be unfounded. (Haughey, "Gloves Off...")

In addition to the lengthy application process, the drain on the welfare system, and the problem of relocation, some question the handling of the appeals process when

asylum is denied. Following the due process granted by the Refugee Act, asylum seekers are given the right to seek judicial review of a rejected application within 14 days after denial. (O'Donoghue, "Responds to...") At this point a case must be presented showing humanitarian grounds for asylum. Critics have noted that a two-week turnaround does not allow for due process; a case cannot be fully developed nor can sufficient legal advice be sought in such a short time. (Coulter) The official government position is that despite such concerns, the appeals process in place is sufficient. The government contends that the applicant should be well prepared for a defense as the initial application and case had already been sent forth by this time. In addition, the government has expressed concerns that a more elaborate appeals process will only further lengthen the already extensive and time-consuming process. Nonetheless, those sensitive to the plight of asylum seekers contend that new issues do arise during the appeals process, making a two week lag between denial and appeal insufficient. (O'Donoghue, "Responds to...")

The final area of discussion concerning asylum seekers is the current and future integration process of new refugees. Ireland has traditionally been a homogeneous society consisting mainly of Caucasians of a Catholic religious base. Now the racial and religious makeup, especially in Dublin and other major cities, is beginning to change. Indeed, walking through Ireland and its cities one can observe that the country has begun to incorporate people who are not of Caucasian ethnicity or of a belief system traditional to the island. The challenge for Ireland is to assimilate these newcomers in order to reap the benefits of a diverse culture and to avoid the mistakes of nations where racism has led to discrimination and violence.

To this end, the Ministry of Justice, Equality, and Law Reform created the National Consultative Committee on Racism and Interculturalism in 1998. The purpose

of this committee is to integrate asylum seekers as they reach refugee status and to create a program to combat racism. The goals of the committee are supported by legislation in the Employment Equality Act of 1999 that prohibits employment discrimination based on race. In addition, Ireland reaffirmed its pledge to fight discrimination when it published in 1999 an amended version of the Equal Status Bill of 1997, which emphasizes the belief that people should be judged on personal worth, not ethnic background. (O'Donoghue, "Trans-European...")

### **Racism: Concern for the Future**

Despite the legislative, regulatory, and judicial initiatives to create an environment that will promote integration, concerns have grown regarding implementation of these proposals. It is clear the Ministry of Justice, Equality, and Law Reform has made efforts to accommodate and justly handle integration. On the other hand, failures in the implementation of an effective application process have raised serious concerns about the full execution of legislation regarding refugees and asylum seekers. Some citizens consider the Irish government's response to immigration problems reminiscent of nations exhibiting racist tendencies. In fact, groups such as the Labour Party have noted that the Ministry's support of proposals that do not coincide with a pro-asylum-seeker agenda has been a hindrance to the integration process of asylum seekers. For example, some in the government have even suggested measures such as detention centers and mass deportations. Such proposals have been likened to "ethnic cleansing Irish-style" by the Jesuit Centre for Faith and Justice. (Haughey, "Deputy Dublin...") Furthermore, there have been instances of institutional racism and

racial profiling by patrolling Gardai searching for non-Caucasian rail passengers in their hunt for illegal immigrants. (Cusak)

Other instances of racism have been reported. For example, the Irish Refugees Council has claimed that 90 percent of nonwhite university students have been subjected to some form of racism. (Barron) Moreover, a recent survey by the African Refugee Network in Dublin reported that one third of all refugees have undergone abuse, whether verbal or physical. In the first three months of 2001, there have been 27 “unprovoked attacks” on minorities. (“The Reality...”) However, the racism does not seem to be limited to isolated instances or generated only by specific hate groups. According to an Amnesty International national survey concluded in May of 2001, just 40 percent of Irish said that they would accept members of the Traveller community as neighbors. In addition, only 15 percent of those surveyed would consider establishing a friendly relationship with a member of the Traveller community, only 18 percent would befriend a Muslim, 20 percent would befriend an African, and 28 percent a Jew. According to Paul Cullen from the Irish Times, “Irish want action on racism but not refugees next door.” (Cullen)

While there have been only a relatively small number of reported cases of racial attacks on asylum seekers and new refugees, Ireland has had unprecedented economic success during the time that the influx of asylum seekers has occurred. When the economy experiences its eventual downturn, as most analysts say it will, the ethnic minorities may be at even greater risk of racism and discrimination. Irishmen angry over a tight money situation and inadequate support by the government may even be less tolerant of the financial support and government housing provided for settling refugees and asylum seekers still in the application process. This will be the time when the

welcoming nature of the Irish people and the resolve of the government to support the minority newcomer will be tested.

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**Abstract**

Since the growth of the Irish economy in the second half of the 1990's, asylum seekers have been entering Ireland in increasing numbers. This article discusses Ireland's response to this recent influx of individuals in search of refugee status.

### **Biography**

Ross Hurwitz graduated with highest honors from Lehigh University in January 2000 with a Bachelor of Science degree in accounting and finance. While at Lehigh, he was the president of the Beta Alpha Psi and Beta Gamma Sigma honor societies. He was also a recipient of the Dean's Scholarship, the President's Scholarship, the Tauck Scholarship, and the Pennsylvania Institute of Certified Public Accountants Scholarship. On campus Ross was highly involved in Lehigh's fraternity system as a brother of Lambda Chi Alpha Fraternity and vice-president of the Interfraternity Council. In recognition of his studies and contribution to Lehigh life, he received the Alumni Association Undergraduate Merit Award, the Interfraternal Award, the Institute of Internal Auditors Outstanding Student Award, and the Institute of Financial Executives Award. He is currently working as an auditor at PricewaterhouseCooper in Philadelphia.